

TRANSITION	CREATE_BY	CREATE_ON	MODIFY_BY
Submit for Approval	HOY, JAMES F	06/15/2011 15:09:03	HOY, JAMES F
Submit for Approval	HOY, JAMES F	06/15/2011 15:09:03	HOY, JAMES F
Submit For Closure	TAYLOR, RANDALL D	12/14/2012 17:39:13	TAYLOR, RANDALL D
Submit For Closure	TAYLOR, RANDALL D	12/14/2012 17:39:13	TAYLOR, RANDALL D
Submit For Closure	TAYLOR, RANDALL D	12/14/2012 17:39:13	TAYLOR, RANDALL D
Submit For Closure	TAYLOR, RANDALL D	12/14/2012 17:39:13	TAYLOR, RANDALL D
Submit For Closure	TAYLOR, RANDALL D	12/14/2012 17:39:13	TAYLOR, RANDALL D
Submit For Closure	TAYLOR, RANDALL D	12/14/2012 17:39:13	TAYLOR, RANDALL D
Submit For Closure	TAYLOR, RANDALL D	12/14/2012 17:39:13	TAYLOR, RANDALL D
Submit For Closure	TAYLOR, RANDALL D	12/14/2012 17:39:13	TAYLOR, RANDALL D
Approve Closure	TAYLOR, RANDALL D	12/14/2012 17:40:52	TAYLOR, RANDALL D
Approve Closure	TAYLOR, RANDALL D	12/14/2012 17:40:52	TAYLOR, RANDALL D
Approve Closure	TAYLOR, RANDALL D	12/14/2012 17:40:52	TAYLOR, RANDALL D
Approve Closure	TAYLOR, RANDALL D	12/14/2012 17:40:52	TAYLOR, RANDALL D
Approve Closure	TAYLOR, RANDALL D	12/14/2012 17:40:52	TAYLOR, RANDALL D
Approve Closure	TAYLOR, RANDALL D	12/14/2012 17:40:52	TAYLOR, RANDALL D
Approve Closure	TAYLOR, RANDALL D	12/14/2012 17:40:52	TAYLOR, RANDALL D
Send To Archive	BANKHEAD, LYLE I	04/10/2013 12:17:08	BANKHEAD, LYLE I

MODIFY_ON	DESCRIPTION
06/15/2011 15:09:03	No Title block information is in the Investigation Background field.
06/15/2011 15:09:03	All subjects/victims on the file must have form 686 data.
12/14/2012 17:39:13	Must have Court/Action Reports Attached
12/14/2012 17:39:13	Has the Fingerprint Card FD-249 been sent to the FBI?
12/14/2012 17:39:13	The Case must have a Disposition.
12/14/2012 17:39:13	Has the Disposition R-84 been sent to the FBI?
12/14/2012 17:39:13	(Warning) Check Offender Age over 98.
12/14/2012 17:39:13	(Warning) Check Property value over \$1 Million.
12/14/2012 17:39:13	(Warning) Must have Victim relationship to Offender for Individual Victim.
12/14/2012 17:39:13	Some Evidence is not yet disposed, can it all be disposed?
12/14/2012 17:40:52	Some Evidence is not yet disposed, can it all be disposed?
12/14/2012 17:40:52	Must have Court/Action Reports Attached
12/14/2012 17:40:52	Has the Fingerprint Card FD-249 been sent to the FBI?
12/14/2012 17:40:52	Have Curtailed Content Report Note
12/14/2012 17:40:52	The Case must have a Disposition.
12/14/2012 17:40:52	Has the Disposition R-84 been sent to the FBI?
12/14/2012 17:40:52	(Warning) Must have Victim relationship to Offender for Individual Victim.
04/10/2013 12:17:08	You must have sent the Harcopy Case File to the File Room

REPORT OF RESULT OF TRIAL

Date (YYYYMMDD)

(This form may also be used for reporting the result of trial by summary court-martial)

20121107

TO: (Address to immediate commander of accused)

49 LRS/CC, 280 Delaware Avenue Building 310, Holloman AFB, NM 88330

NOTIFICATION UNDER R.C.M. 1101(a) IS HEREBY GIVEN IN THE CASE OF:

NAME (Last, First, Middle Initial)

Kelley, Devin P.

RANK

A1C

SSN

ORGANIZATION:

49th Logistics Readiness Squadron (ACC)

Holloman AFB, NM

TYPE OF COURT

GENERAL



SPECIAL



JUDGE ALONE



JUDGE ALONE



SUMMARY

SUMMARY OF CHARGES, SPECIFICATIONS, PLEAS AND FINDINGS

UCMJ ARTICLE	NATURE OF OFFENSE	PLEAS	FINDINGS
CHARGE:	Violation of UCMJ, 128	GUILTY	GUILTY
Specification 1:	Did, within the continental United States, on divers occasions between on or about 24 June 2011 and on or about 27 April 2012, unlawfully strike Tessa K. Kelley on her body with his hands, unlawfully choke the said Tessa K. Kelley on the neck with his hands, unlawfully pull the hair of the said Tessa K. Kelley with his hands, and unlawfully kick the said Tessa K. Kelley on her body with his foot.	GUILTY	GUILTY
Specification 2:	Did, within the continental United States, on divers occasions between on or about 27 April 2011 and on or about 16 June 2011, commit an assault upon J.M.L., a child under the age of 16 years, by striking him on the head and body with a force likely to produce death or grievous bodily harm, to wit: his hands.	GUILTY	GUILTY
CHARGED AS A LESSER INCLUDED OFFENSE TO SPECIFICATION 2:			
Specification 3:	Did, within the continental United States, on divers occasions between on or about 27 April 2011 and on or about 16 June 2011, unlawfully strike J.M.L., a child under the age of 16 years, on the body with his hands.	NOT GUILTY	WITHDRAWN AND DISMISSED WITH PREJUDICE AFTER ARRAIGNMENT

SENTENCE

DNA PROCESSING IS REQUIRED

CRIME OF DOMESTIC VIOLENCE

Reduction to the grade of E-1, confinement for twelve (12) months, and a bad conduct discharge. PTA: The approved sentence to confinement will not exceed three (3) years.

PRETRIAL CONFINEMENT CREDIT (Including military and civilian confinement) (in days)
152 days (military)

DATE SENTENCE ADJUDGED (Or acquittal announced)

20121107

DISTRIBUTION (Prescribed by convening authority)

ACC/CC/JA

12 AF/CC/JA

49 WG/CC/JA

49 MDG/CC

49 FSS/DPM

49 CPTS/FMFP

49 SFS/CC/SFOI

AFLOA/ADC

AFOSI DET 225

CDO

(CHECK ONE)



TRIAL COUNSEL



SUMMARY COURT OFFICER

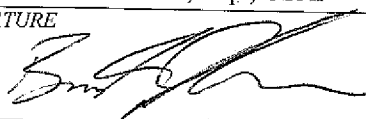
DETAILED BY


OWEN W. TULLOS, Lt Col, USAF

TYPED NAME AND GRADE

BRETT A. JOHNSON, Capt, USAF

SIGNATURE



REPORT OF RESULT OF TRIAL (Continuation)		Date (YYYYMMDD) 20121107	
NAME (Last, First, Middle Initial) Kelley, Devin P.		RANK A1C	SSN 
ORGANIZATION: 49 LRS/CC		DATE SENTENCE ADJUDGED (Or acquittal announced) 20121107	
SUMMARY OF CHARGES, SPECIFICATIONS, PLEAS AND FINDINGS CONTINUED			
UCMJ ARTICLE	NATURE OF OFFENSE	PLEAS	FINDINGS
Specification 4: CHARGED AS A LESSER INCLUDED OFFENSE TO SPECIFICATION 4:	Did, within the continental United States, on or about 23 April 2012, assault Tessa K. Kelley by pointing at her with a dangerous weapon, to wit: a loaded firearm.	NOT GUILTY	WITHDRAWN AND DISMISSED WITH PREJUDICE AFTER ARRAIGNMENT
Specification 5:	Did, within the continental United States, on or about 23 April 2012, assault Tessa K. Kelley by pointing at her with an unloaded firearm.	NOT GUILTY	WITHDRAWN AND DISMISSED WITH PREJUDICE AFTER ARRAIGNMENT
ADDITIONAL CHARGE:	Violation of UCMJ, Article 128	NOT GUILTY	WITHDRAWN AND DISMISSED WITH PREJUDICE AFTER ARRAIGNMENT
Specification 1: CHARGED AS A LESSER INCLUDED OFFENSE TO SPECIFICATION 1:	Did, within the continental United States, between on or about 1 January 2012 to on or about 30 April 2012, assault Tessa K. Kelley by pointing at her with a dangerous weapon, to wit: a loaded firearm.	NOT GUILTY	WITHDRAWN AND DISMISSED WITH PREJUDICE AFTER ARRAIGNMENT
Specification 2:	Did, within the continental United States, between on or about 1 January 2012 to on or about 30 April 2012, assault Tessa K. Kelley by pointing at her with an unloaded firearm.	NOT GUILTY	WITHDRAWN AND DISMISSED WITH PREJUDICE AFTER ARRAIGNMENT
Continuation of Sentence:			

**FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION, CLARKSBURG, WV 26306**

PRIVACY ACT OF 1974 (P.L. 93-579) REQUIRES THAT FEDERAL, STATE, OR LOCAL AGENCIES INFORM INDIVIDUALS WHOSE SOCIAL SECURITY NUMBER IS REQUESTED WHETHER SUCH DISCLOSURE IS MANDATORY OR VOLUNTARY, BASIS OF AUTHORITY FOR SUCH SOLICITATION, AND USES WHICH WILL BE MADE OF IT.

JUVENILE FINGERPRINT		DATE OF ARREST		ORI	
SUBMISSION	YES <input type="checkbox"/>	MM DD YY	06 09 11	CONTRIBUTOR	VAOSIO300
TREAT AS ADULT	YES <input type="checkbox"/>			ADDRESS	USAF OSI LANGLEY AFB, VA
				REPLY DESIRED?	YES <input type="checkbox"/>
SEND COPY TO: (ENTER ORI)		DATE OF OFFENSE		PLACE OF BIRTH (STATE OR COUNTRY)	COUNTRY OF CITIZENSHIP
		MM DD YY	06 08 11	TX	U.S.A
MISCELLANEOUS NUMBERS		SCARS, MARKS, TATTOOS, AND AMPUTATIONS			
		Right calf - "C+H" with AΩ			
		Right shoulder back - Dove coming out of clouds			
		RESIDENCE/COMPLETE ADDRESS		CITY	STATE
		2629B MCKinnley Loop		Holloman AFB	88330 NM
OFFICIAL TAKING FINGERPRINTS (NAME OR NUMBER)		LOCAL IDENTIFICATION/REFERENCE		PHOTO AVAILABLE?	YES <input checked="" type="checkbox"/>
Yonatan Holz				PALM PRINTS TAKEN?	YES <input type="checkbox"/>
EMPLOYER: IF U.S. GOVERNMENT, INDICATE SPECIFIC AGENCY. IF MILITARY, LIST BRANCH OF SERVICE AND SERIAL NO.				OCCUPATION	
CHARGE/CITATION				DISPOSITION	
1. Violation of Art 128G, UCMJ Assault of a child Under the Age of 16				1.	
2.				2.	
3.				3.	
ADDITIONAL				ADDITIONAL	
ADDITIONAL INFORMATION/BASIS FOR CAUTION				STATE BUREAU STAMP	

LEAVE BLANK		CRIMINAL		(STAPLE HERE)				LEAVE BLANK			
STATE USAGE		NFF SECOND		SUBMISSION		APPROXIMATE CLASS		AMPUTATION		SCAR	
STATE USAGE		LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX									
STATE USAGE		Kelley, Devin Patrick									
SIGNATURE OF PERSON FINGERPRINTED		SOCIAL SECURITY NO.				LEAVE BLANK					
+ <i>Devin Kelley</i>		634-24-5484									
ALIASES/MAIDEN		LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX									
FBI NO.	STATE IDENTIFICATION NO.	DATE OF BIRTH	MM	DD	YY	SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR
		02 12 91				M	W	68"	171	BLU	BRO
1. R. THUMB		2. R. INDEX		3. R. MIDDLE		4. R. RING		5. R. PINKY			
6. L. THUMB		7. L. INDEX		8. L. MIDDLE		9. L. RING		10. L. PINKY			
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY		L. PINKY		R. THUMB		RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY					

**FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION, CLARKSBURG, WV 26306**

PRIVACY ACT OF 1974 (P.L. 93-579) REQUIRES THAT FEDERAL, STATE, OR LOCAL AGENCIES INFORM INDIVIDUALS WHOSE SOCIAL SECURITY NUMBER IS REQUESTED WHETHER SUCH DISCLOSURE IS MANDATORY OR VOLUNTARY, BASIS OF AUTHORITY FOR SUCH SOLICITATION, AND USES WHICH WILL BE MADE OF IT.

JUVENILE FINGERPRINT		DATE OF ARREST MM DD YY 06 09 11		ORI CONTRIBUTOR VAOSIO300 USAF OSI ADDRESS LANGLEY AFB, VA REPLY YES <input type="checkbox"/> DESIRED?	
SUBMISSION YES <input type="checkbox"/>					
TREAT AS ADULT YES <input type="checkbox"/>					
SEND COPY TO: (ENTER ORI)		DATE OF OFFENSE MM DD YY 06 08 11		PLACE OF BIRTH (STATE OR COUNTRY) TX	
				COUNTRY OF CITIZENSHIP U.S. A	
MISCELLANEOUS NUMBERS		SCARS, MARKS, TATTOOS, AND AMPUTATIONS Right calf - "E + H" with A & Ω Right shoulder back - Dove coming out of clouds			
		RESIDENCE/COMPLETE ADDRESS 2629B MCKinnley Loop		CITY Holloman AFB	
				STATE 88530 NM	
OFFICIAL TAKING FINGERPRINTS (NAME OR NUMBER) Yonatan Holz		LOCAL IDENTIFICATION/REFERENCE		PHOTO AVAILABLE? YES <input checked="" type="checkbox"/>	
				PALM PRINTS TAKEN? YES <input type="checkbox"/>	
EMPLOYER: IF U.S. GOVERNMENT, INDICATE SPECIFIC AGENCY. IF MILITARY, LIST BRANCH OF SERVICE AND SERIAL NO.				OCCUPATION	
CHARGE/CITATION 1. Violation of Art 128G, UCMJ, Assault of a child Under the Age of 16				DISPOSITION 1.	
2.				2.	
3.				3.	
ADDITIONAL				ADDITIONAL	
ADDITIONAL INFORMATION/BASIS FOR CAUTION				STATE BUREAU STAMP	

USA00012956

R-84 (Rev. 08-31-1999)

FINAL DISPOSITION REPORT

Leave Blank

Note: This vital report must be prepared on each individual whose arrest fingerprints have been forwarded to the FBI Criminal Justice Information Services Division without final disposition noted thereon. If no final disposition is available to arresting agency, complete left side and forward the form when case referred to prosecutor and/or courts. Agency on notice as to final disposition should complete this form and submit to: **FBI, CJIS Division, Clarksburg, WV 26306.**

(See instructions on **reverse side**)

FBI No.		Final Disposition & Date (If convicted or subject pleaded guilty to lesser charge, include this modification with disposition.)
Name on fingerprint Card Submitted to FBI Last First Middle		
Date of Birth _____ Sex _____ Henry Fingerprint Classification _____ From FBI 1-B Response		
State Bureau No. (SID)	Social Security No. (SOC)	
Contributor of Fingerprints (Include complete name and location of agency together with ORI number.)		This Form Submitted By: (Name, Title, Agency, ORI No., City & State) _____ Signature Date _____ Title
Arrest No. (OCA)	Date Arrested or Received	
Offenses Charged at Arrest		
		<input type="checkbox"/> COURT ORDERED EXPUNGEMENT: Certified or Authenticated Copy of Court Order Attached.

INSTRUCTIONS

1. The purpose of this report is to record the initial data of an individual's arrest and thereafter secure the final disposition of the arrest at the earliest possible time from either the arresting agency, the prosecutor or the court having jurisdiction. (INTERIM DISPOSITION INFORMATION, e.g. RELEASED ON BOND, SHOULD NOT BE SUBMITTED.) The SUBJECT'S NAME, CONTRIBUTOR AND ARREST NUMBER should be exactly the same as they appear on the fingerprint card IN THE FILES OF THE FBI. The FBI number should be indicated, if known. Agency ultimately making final disposition will complete and mail form to: FBI Criminal Justice Information Services Division, Clarksburg, WV 26306.
2. The arresting agency should fill in all arrest data on left side of form. If the arrest is disposed of by the arresting agency, as where the arrestee is released without charge, the arresting agency should fill in this final disposition and mail form to FBI Criminal Justice Information Services Division. Of course, if the final disposition is known when the arrest fingerprint card is submitted it should be noted thereon and this form is then unnecessary. In the event the case goes to the prosecutor, this form should be forwarded to the prosecutor with arrestee's case file.
3. The prosecutor should complete the form to show final disposition at the prosecution level if the matter is not being referred for court action and thereafter submit form directly to FBI Criminal Justice Information Services Division. If court action required, the prosecutor should forward form with case file to court having jurisdiction.
4. The court should complete this form as to final court disposition such as when arrested person is acquitted, case is dismissed, on conviction and when sentence imposed or sentence suspended and person placed on probation.
5. When arrested person convicted or enters guilty to lesser or different offense than charged when originally arrested, this information should be clearly indicated.
6. If subsequent action taken to seal or expunge record, attach certified or authenticated copy of court order to this form.
7. It is vitally important for completion of subject's record in the FBI Criminal Justice Information Services Division files that Final Disposition Report be submitted in every instance where fingerprints previously forwarded without final disposition noted there on.

*U.S. Government Printing Office: 2004—304-384/82402

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FILE SUBJECT TO THE PRIVACY ACT OF 1974



225-C-128-G--32329111651413

**UNITED STATES
AIR FORCE OFFICE OF
SPECIAL INVESTIGATIONS**

I2MS Case FILE

225-C-128-G--32329111651413

LOCATION: DET 225 Holloman AFB, NM

DATE OPENED: 20110615

DATE CLOSED: 20121214

SEE ALSO NOS. 04031110691835

AUTHENTICATION OF FILE BY:

DATE:

UNCLASSIFIED//FOR OFFICIAL USE ONLY



*225-C-128-G--3232911165141

DoD OIG 000409
VOLUME 1 OF 2

AFOSIMAN 71-121, 13 JANUARY 2009

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Attachment 4

AFOSI CLOSED INVESTIGATION FILE CHECKLIST

<i>File/Activity/Participant/Notes:</i>	YES	NO	N/A
1. Is final, signed, published ROI and SCR attached to the file?	X		
2. Are all draft ROIs deleted from the file level?			
3. Do file level dispositions match civilian, military judicial, NJP, no action disposition reports?			
4. Is a Coordination activity associated documenting permission was obtained from a foreign, state, or local agency when it was necessary to incorporate an investigative report into an AFOSI file? (paragraph 8.2.2.1.1.)			
5. Are Reviewer Note(s) present documenting proper file review? (paragraph 4.24.4.1.).			
6. Is a Coordination activity associated or IDP note present documenting AUSA declination and explanation?			
7. Is an IDP note present documenting evidence retention? (Appellate Review etc).			
Closed Short (Administrative Closure):			
8. Informational, Developmental, A&P, TM Files Only. Are all record copy investigative file and AF Form 3986 documents scanned and readable? If the investigation was Close Short (Administrative Closure),			
9. Case File Investigation Only. Is a Coordination activity associated or IDP note present documenting Region or Program Manager concurrence?			
AFOSI Form 2:	YES	NO	N/A
10. Is final, signed, published ROI present with complete IDP including any note added after the ROI was distributed?	X		
11. Is signed SCR Present?	X		
12. Do all undercover operations AFOSI Form 2s contain copies of the following? a. Post-Operations Tradecraft Assessment Reports (POTAR). b. Operation plans. c. Documents that request assistance from internal and external Air Force organizations.			X
13. Are AF Form 3986s present and properly marked?	X		

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DoDOIG 000411

USA00013395

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AFOSIMAN 71-121, 13 JANUARY 2009

<i>Does the AF Form 3986 Contain?:</i>	YES	NO	N/A
14. Are all documents listed on the AF Form 3986 filed therein?	X		
15. Are all documents inside the AF Form 3986 correctly annotated and AF Form 3987, Investigation File Inner Envelope , used when appropriate?	X		
16. If electronic media is included in the AF Form 3986/3987 is it properly marked?	X		
17. FD-249 (Hardcopy or I2MS generated)			
18. R-84			
19. Investigative Plan?	X		
20. Civilian Prosecutive Authority Declination Letter?			
21. No Action Disposition Report (Action Authority)?			
22. AF Form 3070 (A, B, C,) Record of Nonjudicial Punishment Proceedings?			
23. AF Form 3212, Record of Supplementary Action Under Article 15, UCMJ?			
24. Plea Agreement?			
25. Sentencing or Acquittal Report?			
26. Article 32 Investigating Officer Appointing Letter?			
27. DD Form 458, Charge Sheet?			
28. AF Form 1359, Report of Results of Trial?			
29. Copy of the appellate action and letter to FBI requesting a change or correction if appellate actions changed the final disposition?			
30. AFOSI Form 158 (Evidence Disposition Request)?			
31. AF Form 52, Evidence Tag(s)?			
32. AFOSI CLOSED INVESTIGATION FILE CHECKLIST?	X		

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DoDOIG 000412

USA00013396

225-C-128-G--32329111651413

SUMMARY OF INVESTIGATION

- 1 This investigation was initiated on 9 Jun 11, based upon information from Child Youth and Family Department (CYFD) Otero County, NM, of possible child abuse involving an 11 month old dependent child (VICTIM) of a U.S. Air Force active duty member assigned to Holloman AFB, NM. On 9 Jun 11, PAMELA WONG, Social Worker, CYFD, Otero County, NM, notified SA JAMES HOY, AFOSI Det 225, HAFB, NM, that VICTIM was admitted to Gerald Champion Regional Medical Center (GCRMC), Alamogordo, NM, for vomiting possibly associated to a head injury. WONG advised VICTIM had injuries on his face that medical personnel suspected were the result of child abuse. VICTIM was admitted to GCRMC at the request of Dr. JEREMY S. HARWOOD, MD, 49 MDG, HAFB, NM, for the same symptoms. Dr. HARWOOD observed injuries on VICTIM's face that were not present when he examined VICTIM on 6 Jun 11 and suspected the injuries were caused by VICTIM being slapped on the left side of the face. On 9 Jun 11, a Computerized Tomography (CT) scan of VICTIM's head revealed VICTIM had a left frontal extra-axial hematoma (bleeding within the skull). According to WONG the hematoma was most likely caused by trauma to VICTIM's head from a strike or a significant fall. VICTIM was placed in foster care based on the unexplained injuries and the suspicions of child abuse by Dr. HARWOOD and CYFD. On 9 Jun 11, a non-custodial interview was conducted with SUBJECT T. KELLEY: SUBJECT T. KELLEY advised she had VICTIM with another man prior to her marriage with SUBJECT D. KELLEY. VICTIM was SUBJECT D. KELLEY's stepchild. She denied striking VICTIM or having knowledge of SUBJECT D. KELLEY striking VICTIM. SUBJECT T. KELLEY offered the same explanations for VICTIM's injuries as she provided CYFD and could not offer an explanation for VICTIM's hematoma. On 12 Jun 11, CRYSTAL TORRES, Registered Nurse, Providence Hospital, El Paso, TX, provided the following information: A bone survey conducted on 10 June 11, revealed VICTIM had a right clavicle fracture with mild displacement. A bone survey conducted on 2 Jun 11, revealed a right clavicle fracture but was filed under the name "J■■■■M■■■■" (Note: VICTIM's full name is J■■■■M■■■■ L■■■■) and thus was not made available to all concerned parties. On 29 Apr 12, SUBJECT T. KELLEY provided a video containing the confession of SUBJECT D. KELLEY to injuries on VICTIM to MSgt TRACY WOLFE, 49 LRS/CCF, HAFB, NM who in turn provided it to AFOSI Det 225. On 3 May 12, an interview of SUBJECT T. KELLEY revealed she previously suspected SUBJECT D. KELLEY of injuring VICTIM, but did not know for sure because she had never witnessed the abuse. SUBJECT T. KELLEY suspected SUBJECT D. KELLEY caused the injuries when he abused her physically, verbally and mentally. **SUBJECT D. KELLEY verbalized threats against law enforcement stating, "If the cops show up at my door, I will shoot them."** SUBJECT D. KELLEY also told SUBJECT T. KELLEY, **"My work is so lucky I do not have a shotgun because I would go in there and shoot everyone."** Further interviews of SUBJECT D. KELLEY's prior girlfriends revealed a history of emotional, verbal, and sexual abuse. On 17 Sep 12, a report by Maj SHELLEY MARTIN, MD, Child Abuse Pediatrician, Brooke Army Medical Center, Ft. Sam Houston, TX, revealed the injuries on VICTIM's body were consistent with the videotaped confession of SUBJECT D. KELLEY, in which he admitted to abusive behavior regarding VICTIM. There were no reasonable alternative accidental or medical explanations provided to explain VICTIM's injuries.

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AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS

REPORT OF INVESTIGATIVE ACTIVITY

1. DATE OF INVESTIGATIVE ACTIVITY

09-Jun-2011

2. PLACE

49th Medical Group 1st Street
Holloman AFB, NM 88330

3. FILE NUMBER

31555111641137

4. REMARKS

Interview of: Capt JEREMY S. HARWOOD, Pediatrician

Date/Place: 09-JUN-11/49th Medical Group 1st Street Holloman AFB, NM 88330

Dr. HARWOOD related the following: He first saw VICTIM on 06 Jun 11, in the Pediatrics Clinic, 49th Medical Operations Squadron, HAFB, NM, for vomiting. SUBJECT T. KELLEY and SUBJECT D. KELLEY related to Dr. HARWOOD that on 02 Jun 11, VICTIM was seen at the emergency room at William Beaumont Army Medical Center, El Paso, TX, for vomiting and diarrhea. VICTIM was transported to Providence Hospital, El Paso, TX, where VICTIM was admitted for dehydration. VICTIM was released by Providence Hospital on 04 Jun 11. SUBJECT T. KELLEY informed Dr. HARWOOD a Computerized Tomography (CT) scan was ordered, but the scan was negative. Dr. HARWOOD related when he saw VICTIM on 06 Jun 11, VICTIM did not have any marks on his face. On 08 Jun 11 around 1900 hours, Dr. HARWOOD was contacted by the emergency room physician at Gerald Champion Regional Medical Center (GCRMC), Alamogordo, NM, and responded to examine VICTIM. Dr. HARWOOD noticed bruising on the left side of VICTIM's face. According to Dr. HARWOOD, both SUBJECT T. KELLEY and SUBJECT D. KELLEY stated the marks just "popped up." Dr. HARWOOD opined the mark appeared to be a hand print. Dr. HARWOOD noticed VICTIM was clingy to SUBJECT T. KELLEY. Dr. HARWOOD ordered a full skeletal review of VICTIM and a CT scan of the head, which at the time of this interview were awaiting to be read by a radiologist. On 09 Jun 11 at 0730 hours, Dr. HARWOOD saw VICTIM at GCRMC and the marks on VICTIM's face appeared to be fresh and a little purple. Dr. HARWOOD related VICTIM had no significant medical history reported and VICTIM did not have medical records on file. On 9 Jun 10 at 1445 hours, Dr. HARWOOD reviewed a copy of VICTIM's cat scan and identified fluid collection consistent with a small left frontal subdural hemorrhage on VICTIM's head. On 12 Jun 12, an abdominal ultrasound and skeletal survey identified a right clavicle fracture in the medial 1/3 area.

5. CONDUCTED BY

MADISON, LENORA

6. SIGNATURE

THIS DOCUMENT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF AFOSI. IT IS THE PROPERTY OF THE AFOSI AND IS LOANED TO YOUR AGENCY; THIS DOCUMENT IS NOT TO BE RELEASED OUTSIDE YOUR AGENCY

**AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS
REPORT OF INVESTIGATIVE ACTIVITY**

1. DATE OF INVESTIGATIVE ACTIVITY
09-Jun-2011

2. PLACE
AFOSI Det 225 640 Delaware Ave
(Bldg 293) Holloman AFB, NM 88330

3. FILE NUMBER
33039111611433

4. REMARKS

Interview of: KELLEY, DEVIN PATRICK

Date/Place: 09-JUN-11/AFOSI Det 225 640 Delaware Ave (Bldg 293) Holloman AFB, NM 88330

Attachments

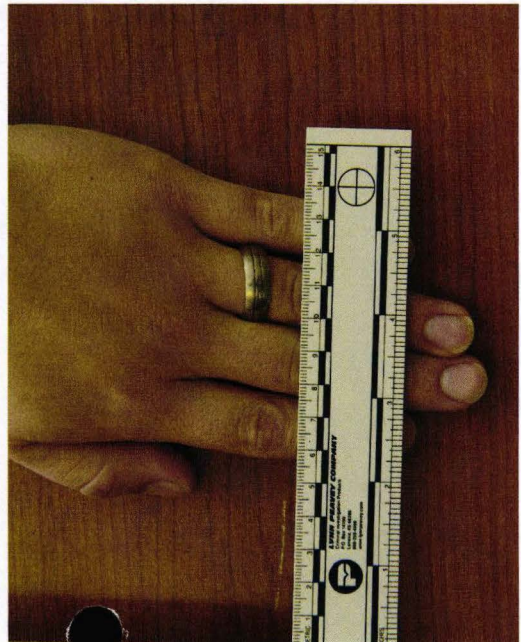
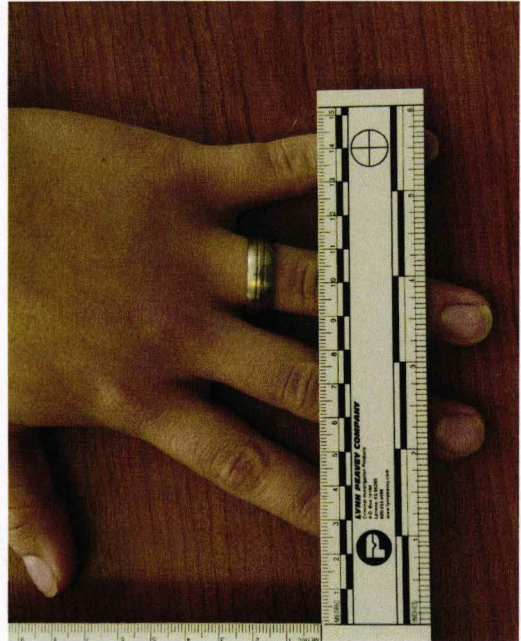
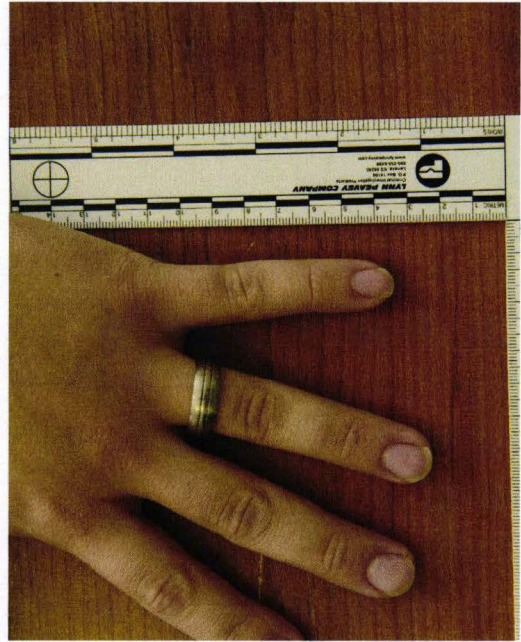
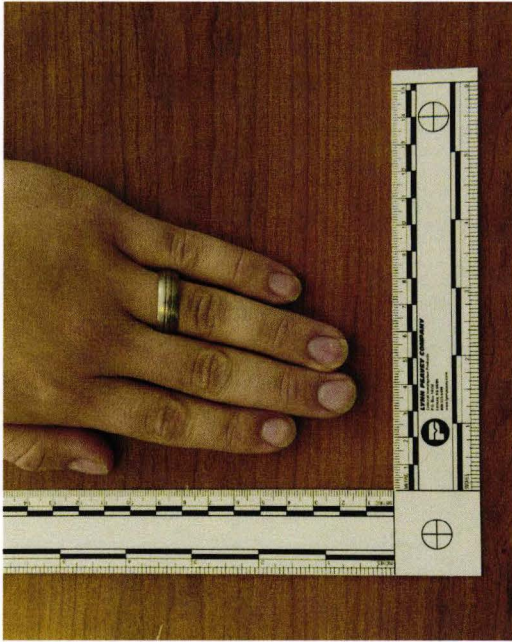
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- 20110612-J [REDACTED] 045
- 20110612-J [REDACTED] 046
- 20110612-J [REDACTED] 047
- 20110612-J [REDACTED] 048

On 9 Jun 11, SA VINCE BUSTILLO and SA JAMES HOY interviewed SUBJECT. Subsequent to Article 31 rights advisement, SUBJECT D. KELLEY waived his rights and provided the following information: SUBJECT D. KELLEY denied striking VICTIM or having knowledge of SUBJECT T. KELLEY striking VICTIM. SUBJECT D. KELLEY stated I know she (SUBJECT T. KELLEY) didn't hit him she loves him too much." SUBJECT D. KELLEY had never observed SUBJECT T. KELLEY hit VICTIM and SUBJECT T. KELLEY never said anything or gave any indications that she could have hit VICTIM. SUBJECT D. KELLEY did not spend very much time with VICTIM. Only SUBJECT D. KELLEY and SUBJECT T. KELLEY had direct access to VICTIM. SUBJECT D. KELLEY's mother, REBECCA ANNE KELLEY, [REDACTED] was with VICTIM at GCRMC. SUBJECT D. KELLEY denied his mother caused the injury to VICTIM and stated: "My Mom has never even been on base." SUBJECT D. KELLEY claimed he did not know how VICTIM sustained the injury to his head. SUBJECT T. KELLEY first observed the injuries to VICTIM's face on 8 Jun 11, while driving with SUBJECT D. KELLEY to GCRMC. SUBJECT D. KELLEY suggested VICTIM received the injury from falling on the floor while crawling or playing in his crib. SUBJECT D. KELLEY claimed VICTIM was shy of anyone except SUBJECT T. KELLEY, but was ok with SUBJECT D. KELLEY as long as SUBJECT T. KELLEY was nearby.

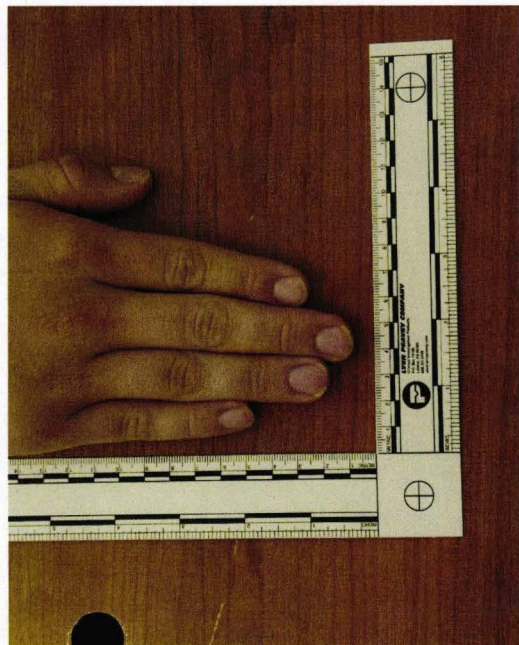
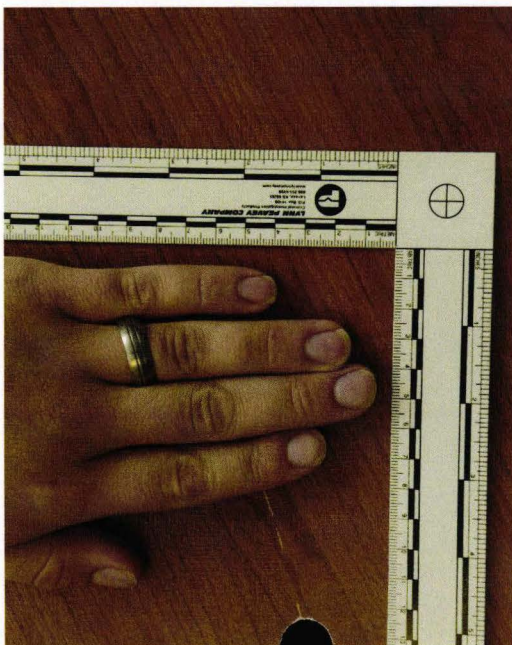
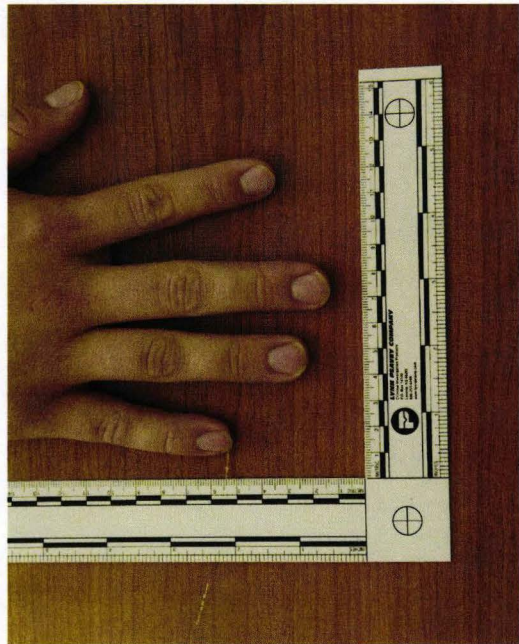
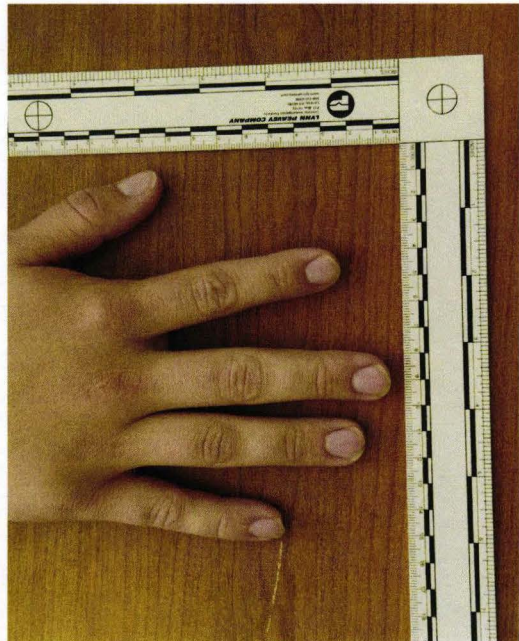
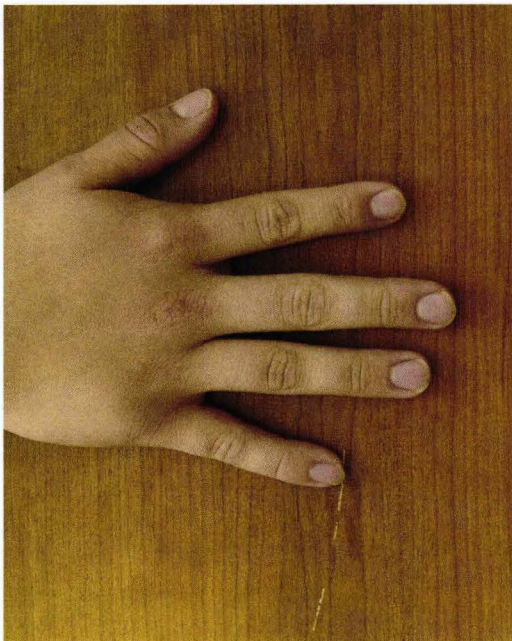
5. CONDUCTED BY
BUSTILLO, VINCE

6. SIGNATURE

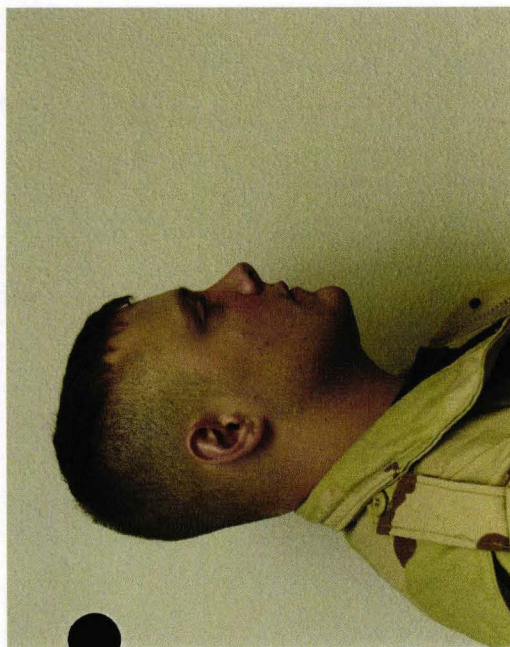
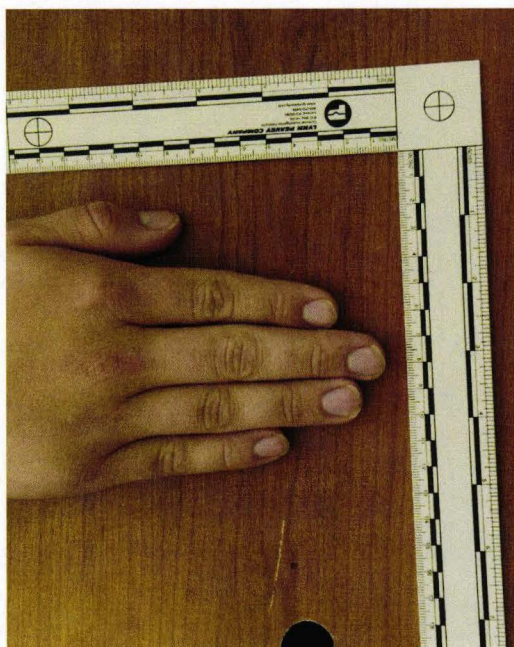
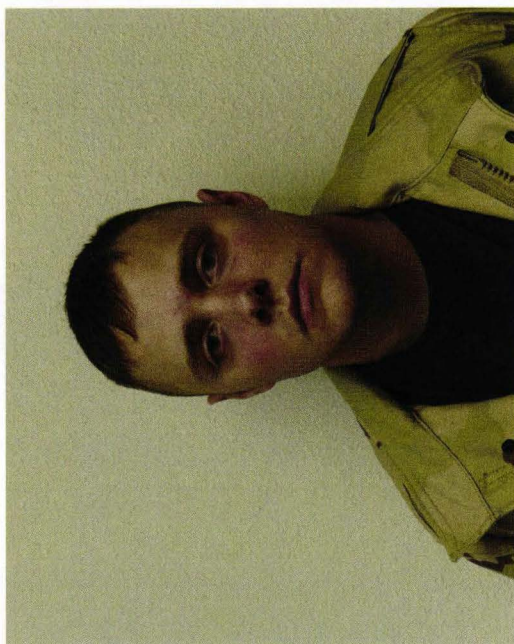
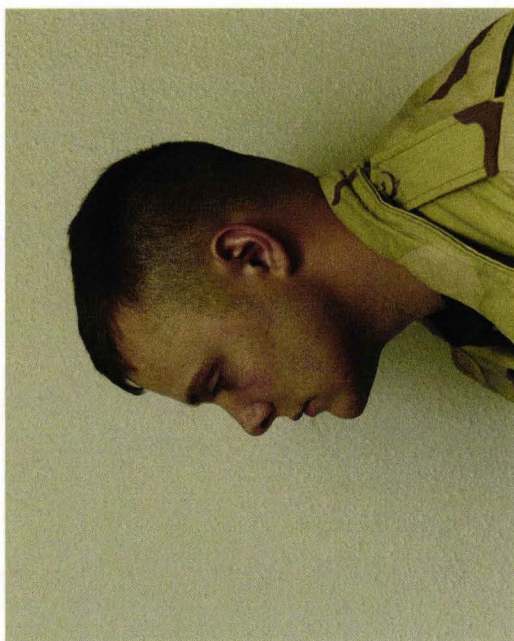
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DoD OIG 000435



DoD OIG 000436



DoD OIG 000437

**AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS
REPORT OF INVESTIGATIVE ACTIVITY**1. DATE OF INVESTIGATIVE ACTIVITY
29-Apr-2012

2. PLACE

3. FILE NUMBER
32905121202053

4. REMARKS

Interview of: Wolfe, Tracy A.

Date/Place: 29-APR-12/AFOSI Det 225 640 Delaware Ave (Bldg 293) Holloman AFB, NM 88330

On 29 Apr 12, MSgt TRACY WOLFE, 49 LRS, Holloman AFB, NM provided AFOSI Det 225 with a black external hard drive allegedly containing a confession by SUBJECT D. KELLEY to all of VICTIM's injuries. WOLFE received the hard drive from SUBJECT T. KELLEY on the same day.

5. CONDUCTED BY
MILLS, CLINTON

6. SIGNATURE

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**AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS
REPORT OF INVESTIGATIVE ACTIVITY**

1. DATE OF INVESTIGATIVE ACTIVITY 03-May-2012	2. PLACE [REDACTED]	3. FILE NUMBER 33039121301251
<p>4. REMARKS</p> <p>Interview of: KELLEY, TESSA KAYLYNN</p> <p>Date/Place: 03-MAY-12/ [REDACTED]</p> <p>Attachments</p> <ul style="list-style-type: none"> - Security Forces Report # I20120200128 - T KELLEYs Statement 1168 3 May 12 <p>On 3 May 12, SA YONATAN HOLZ and SA LYLE BANKHEAD interviewed SUBJECT T. KELLEY at her residence, [REDACTED]. SUBJECT T. KELLEY provided the following information verbally and in a signed, sworn, written statement (attached): SUBJECT T. KELLEY and SUBJECT D. KELLEY were told by SUBJECT D. KELLEY's lawyer LIAM GRIFFIN, PO Box 643, Ruidoso, NM, that VICTIM's injuries were caused at birth. SUBJECT T. KELLEY began to believe the story and did not think SUBJECT D. KELLEY was culpable of VICTIM's injuries. SUBJECT T. KELLEY previously suspected SUBJECT D. KELLEY of injuring VICTIM, but did not know for sure because she had never witnessed the abuse. SUBJECT T. KELLEY began suspecting SUBJECT D. KELLEY when SUBJECT D. KELLEY began physically, verbally and mentally abusing her. SUBJECT D. KELLEY struck, kicked, and choked SUBJECT T. KELLEY (Agent Note: For more information please reference Security Forces Report #I20120200128 (attached)). SUBJECT D. KELLEY also pulled SUBJECT T. KELLEY's hair out on multiple occasions. SUBJECT D. KELLEY told SUBJECT T. KELLEY he would kill her if she went to the police or if she told anyone about the abuse performed by SUBJECT D. KELLEY on SUBJECT T. KELLEY. SUBJECT D. KELLEY verbalized threats against law enforcement stating, "If the cops show up at my door, I will shoot them." SUBJECT D. KELLEY also told SUBJECT T. KELLEY, "My work is so lucky I do not have a shotgun because I would go in there and shoot everyone." SUBJECT D. KELLEY would often tell SUBJECT T. KELLEY her family did not love her. SUBJECT T. KELLEY thought if she came forward with her suspicions about SUBJECT D. KELLEY abusing VICTIM and about her abuse by SUBJECT D. KELLEY; SUBJECT D. KELLEY would hurt her and she would not be able to get VICTIM back from Children Youth and Families Department (CYFD) custody. SUBJECT T. KELLEY first had her suspicions confirmed approximately Feb 12, when SUBJECT D. KELLEY's friends RALPH MARTINEZ, [REDACTED] and PRISCILLA TORRES, [REDACTED] flew from New Braunfels, TX to visit them. SUBJECT T. KELLEY, SUBJECT D. KELLEY, MARTINEZ, and TORRES spent the night at a hotel in an El Paso, TX. SUBJECT D. KELLEY locked himself in their hotel room's bathroom and cried. SUBJECT T. KELLEY heard SUBJECT repeating the words, "I'm so sorry J [REDACTED] I'm sorry I did this to you," approximately ten times. SUBJECT T. KELLEY confronted SUBJECT D. KELLEY about his statement, but SUBJECT D. KELLEY did not reply. SUBJECT T. KELLEY stated on one occasion while driving, SUBJECT D. KELLEY struck her in the stomach in front of MARTINEZ and TORRES and threatened to beat her if she continued speaking. SUBJECT D. KELLEY fully confessed to SUBJECT T. KELLEY approximately three weeks ago around 23 Apr 12, when SUBJECT T. KELLEY and SUBJECT D. KELLEY drove to El Paso, TX, to pick up SUBJECT T. KELLEY's mother REBECCA KELLEY, [REDACTED]. SUBJECT T. KELLEY asked SUBJECT D. KELLEY to stop speeding on the way to El Paso, TX, but SUBJECT D. KELLEY told her, "Shut the (profanity) up!" SUBJECT was pulled over and received a ticket for speeding (record attached). SUBJECT D. KELLEY blamed the ticket on SUBJECT T. KELLEY, he pulled his gun out and placed the muzzle against SUBJECT T. KELLEY's temple at which point he stated, "Do you want to die?" SUBJECT T. KELLEY pushed the gun away and cried. SUBJECT D. KELLEY proceeded to put the gun in his mouth. SUBJECT D. KELLEY asked SUBJECT T. KELLEY, "why she wanted to be with him?" SUBJECT T. KELLEY replied she wanted to believe there was good in SUBJECT D. KELLEY. SUBJECT D. KELLEY told SUBJECT T. KELLEY she was stupid for being with him and she should know the reason. SUBJECT D. KELLEY informed SUBJECT T. KELLEY he had slapped VICTIM on 8 Jun 11, the day VICTIM had been taken to the hospital. SUBJECT T. KELLEY urged SUBJECT D. KELLEY to make a full confession. SUBJECT D. KELLEY told SUBJECT T. KELLEY he had struck VICTIM multiple times. SUBJECT D. KELLEY first struck VICTIM in March 2011, in New Braunfels, TX. SUBJECT D. KELLEY slapped VICTIM and struck him on his inner right shoulder. SUBJECT T. KELLEY believed that was how VICTIM received the fractures on his clavicle. SUBJECT T. KELLEY talked SUBJECT D. KELLEY into making a full confession video, which he did and provided it to SUBJECT T. KELLEY. On 29 Apr 12, SUBJECT T. KELLEY provided the video to MSgt TRACY WOLFE, 49 LRS/ First Sergeant, HAFB, NM.</p>		
5. CONDUCTED BY HOLZ, YONATAN	6. SIGNATURE	

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INTERVIEW RECORD		DATE	FILE NUMBER
PRIVACY ACT NOTICE: WHEN FILLED IN, THIS FORM MAY CONTAIN INFORMATION THAT MUST BE PROTECTED BY THE PRIVACY ACT OF 1974 AND THEREFORE MUST BE PROTECTED IN ACCORDANCE WITH DOD DIRECTIVE 5400.11.			
I. ADMINISTRATIVE DATA			
NAME OF INTERVIEWEE (Last, First, Middle Initial)		PRINCIPAL INTERVIEWER	PLACE OF INTERVIEW
Kelley, Devin		Gregory Harper	Det 225/Bldg #293
OTHER PEOPLE PRESENT			
NAME		STATUS	TIME PRESENT
Clinton Mills		Special Agent	Entire Time
II. CHRONOLOGICAL DATA			
(Initial appropriate blocks) 1. Use these items only when required by law. 2. Strike out words or items not applicable			
CM	1. Time interview began. 1839		
CM	2. At 1844 hours, Gregory Harper read the suspect his or her rights according to (Article 31, UCMJ) (Fifth amendment to the Constitution) ² and advised the suspect that the alleged (offense) (matter) being investigated was: 113a. Wrongful use, possession, etc., of controlled substances 128, Assault 86 AWOL		
CM	3. At 1845 hours interviewee stated he or she understood his or her rights.		
CM	4. At 1845 hours, interviewee stated he or she (was) (did not) ² desire to consult with a lawyer. (If lawyer was requested state in "Remarks" the specific action taken.)		
CM	5. At 1845 hours interviewee stated he or she wished (to waive the rights explained to him or her) (to remain silent). ²		
CM	6. At 1902 hours interviewee stated he or she (was willing) (was not willing) ² to make a written statement.		
N/A	7. Preparation of the written statement began at _____ hours and ended at _____ hours.		
N/A	8. (Interviewee stated that he or she read the statement and) ² interviewee signed the statement at _____ hours.		
CM	9. At 1902 hours interview ended.		
CM	10. At 1925 hours interviewee was photographed (front and profile)(copy to be maintained in AF Form 3986). (Add remark if not photographed)		
CM	11. At 1930 hours interviewee was fingerprinted (copy to be maintained in AF Form 3986). (Add remark if not fingerprinted)		
CM	12. At 1935 hours interviewee departed (unescorted) (escorted by). ² TSgt Dukes		
III. PERTINENT DETAILS AND SPECIFIC REQUESTS			
(List below other pertinent details of the interview, including significant requests made by interviewee to see counsel, chaplain, commander, doctor, etc., personal relief, refreshment breaks, visitors, etc.)			
EVENTS		TIME	ACTION TAKEN
Smoked and Received Food & Drink		1839	Accepted

AF Form 3985, 20080709

DoD OIG 000468

USA00013452

III. PERTINENT DETAILS AND SPECIFIC REQUESTS (Continued)

(List below other pertinent details of the interview, including significant requests made by interviewee to see counsel, chaplain, commander, doctor, etc., personal relief, refreshment breaks, visitors, etc.)

EVENTS	TIME	ACTION TAKEN

IV. SECURITY CONSIDERATIONS

N/A

1. If the interviewee has access to sensitive information or areas, has admitted committing a substantive offense, or there is substantial evidence that he or she committed a substantive offense, he or she was asked the following questions:

(a) Has anyone asked you to obtain or furnish defense information or aid any activity whose interests are contrary to the US under threat of exposure, blackmail, or any form of pressure?

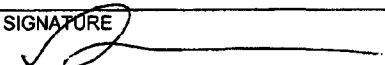
(b) Has anyone enticed or attempted to entice you into participating in some activity which may have been for the purpose of threatening to expose you, blackmail you, or subject you to pressure to furnish defense information contrary to the interests of the US?

N/A

2. If classified information was involved in the case, the interviewee was cautioned that he or she may not disclose classified information to a lawyer who does not have proper security clearance.

REMARKS

I CERTIFY THE ENTRIES IN THIS RECORD ARE A TRUE AND ACCURATE ACCOUNT OF THE EVENTS AS THEY OCCURRED.

INTERVIEW RECORD COMPLETED AT AFOSI, Det 225, Bldg 293, Holloman AFB		TIME 1955
DATE 8 Jun 12	TYPE OR PRINTED NAME RVT Dwayne L. Harris S/M Gregory Harper	SIGNATURE 

AF Form 3985, 20080709

DoD OIG 000469

USA00013453

**AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS
REPORT OF INVESTIGATIVE ACTIVITY**

1. DATE OF INVESTIGATIVE ACTIVITY 18-Jun-2012	2. PLACE TELEPHONIC	3. FILE NUMBER 33039121711113
<p>4. REMARKS</p> <p>Interview of: [REDACTED]</p> <p>Date/Place: 18-JUN-12/TELEPHONIC</p> <p>On 18 Jun 12, SA YONATAN HOLZ spoke with [REDACTED] telephonically. [REDACTED] related the following information verbally: [REDACTED] met SUBJECT D. KELLEY in 2005 while she was in the seventh grade in New Braunfels, TX. [REDACTED] dated SUBJECT D. KELLEY for approximately eight months but terminated the relationship due to constant verbal and sexual abuse by SUBJECT D. KELLEY. [REDACTED] tried to end the relationship numerous times, but SUBJECT D. KELLEY would state he would kill himself if she did. SUBJECT D. KELLEY told [REDACTED] he would kill himself approximately five to eight times throughout their relationship. SUBJECT D. KELLEY made her do things no seventh grader should. SUBJECT D. KELLEY would force [REDACTED] to give him oral sex by pushing her head down to his groin. SUBJECT D. KELLEY would also force [REDACTED] to masturbate him. SUBJECT D. KELLEY would also touch [REDACTED] genitals. [REDACTED] stated all sexual contact by SUBJECT D. KELLEY was not consensual but she would do it because SUBJECT D. KELLEY would threaten to kill himself if she did not comply. SUBJECT D. KELLEY would verbally abuse [REDACTED] at least once a week by calling her ugly and by stating her parents hated her. SUBJECT D. KELLEY never physically abused [REDACTED]. SUBJECT D. KELLEY last attempted to make contact with [REDACTED] approximately one year ago via Facebook. [REDACTED] thought SUBJECT D. KELLEY contacted her to rekindle their past relationship. [REDACTED] deleted all messages from SUBJECT D. KELLEY because she did not want to be associated with him and did not like having the messages in her inbox as a constant reminder of him. [REDACTED] described SUBJECT D. KELLEY as a manipulator and control freak. [REDACTED] knew of the allegations against SUBJECT D. KELLEY because SUBJECT T. KELLEY contacted her to let her know Air Force investigators would be contacting her to get her side of the story. [REDACTED] was not surprised SUBJECT D. KELLEY was in his current situation. [REDACTED] stated SUBJECT D. KELLEY dated a girl named [REDACTED] for approximately two years and believed she might have further information pertaining to SUBJECT D. KELLEY's abusive ways.</p>		
5. CONDUCTED BY HOLZ, YONATAN	6. SIGNATURE	

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**AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS
REPORT OF INVESTIGATIVE ACTIVITY**

1. DATE OF INVESTIGATIVE ACTIVITY 11-Jul-2012	2. PLACE [REDACTED]	3. FILE NUMBER 33039121771716
<p>4. REMARKS</p> <p>Lead Interview of: [REDACTED]</p> <p>Date/Place: 11-JUL-12/[REDACTED]</p> <p>[REDACTED] provided essentially the following information: [REDACTED] first met SUBJECT D. KELLEY in 2009 while in the ninth grade. [REDACTED] dated SUBJECT D. KELLEY while she was in eighth grade for approximately 14 months. [REDACTED] stated nothing out of the ordinary went wrong while she was in a relationship with SUBJECT D. KELLEY. It was not until after they broke up when SUBJECT D. KELLEY began to do things [REDACTED] did not want to do. [REDACTED] recalled several situations where SUBJECT D. KELLEY did things she did not want to do, but could not recall actual dates or times. One instance, SUBJECT D. KELLEY was groping [REDACTED]. When [REDACTED] tried to leave the room, SUBJECT D. KELLEY restrained [REDACTED]. [REDACTED] punch SUBJECT D. KELLEY in the face approximately three times. SUBJECT D. KELLEY let go and [REDACTED] left the room. A second instance, SUBJECT D. KELLEY drove [REDACTED] to a secluded area and attempted to have [REDACTED] show him her breast. SUBJECT D. KELLEY tried to lift [REDACTED] shirt up and [REDACTED] stopped him and said, "No." After SUBJECT D. KELLEY would not stop asking, [REDACTED] agreed to show him. SUBJECT D. KELLEY subsequently held [REDACTED] shirt up and took approximately three or four photos of [REDACTED] breast using his cell phone. Approximately in June 2012, SUBJECT T. KELLEY told [REDACTED] he still possessed the photos. SUBJECT T. KELLEY did not state where SUBJECT D. KELLEY had them. Another instance, SUBJECT D. KELLEY picked [REDACTED] up from [REDACTED] residence, SUBJECT D. KELLEY asked [REDACTED] to masturbate him. [REDACTED] said, "No" and SUBJECT D. KELLEY was persistent on [REDACTED] masturbating him. When [REDACTED] would not give in, SUBJECT D. KELLEY pulled out his penis and ejaculated. SUBJECT then wipe his sperm on [REDACTED] stomach. Another instance, SUBJECT D. KELLEY and [REDACTED] were in the back seat of his vehicle, SUBJECT D. KELLEY pulled [REDACTED] to him and would not let her go. [REDACTED] bit SUBJECT D. KELLEY in order to get SUBJECT D. KELLEY off of her. Additionally, SUBJECT D. KELLEY told [REDACTED] that he touched his sister's breast, L. K. [REDACTED], [REDACTED] and watched L. K. [REDACTED] take a shower. Additionally, SUBJECT D. KELLEY stated he masturbated in L. KELLEY's shampoo bottle. SUBJECT D. KELLEY also stated he placed a camera in his parents shower and recorded them having sex. [REDACTED] could not recall the exact date but estimated it was three to four years ago.</p>		
5. CONDUCTED BY PETERSON, SEAN	6. SIGNATURE	

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AFFIDAVIT FOR SEARCH AND SEIZURE

9 JUN 2011

HOLLOMAN AFB, NEW MEXICO

I, Vince H. Bustillo, Special Agent, United States Air Force Office of Special Investigations, being duly sworn, depose and state:

1. I am a Special Agent of the Air Force Office of Special Investigations (AFOSI). I am currently assigned to the AFOSI Detachment 225, Holloman AFB (HAFB), New Mexico. I have been a Special Agent since March 1995. I received training to be a Special Agent at United States Air Force Special Investigations Academy, Andrews Air Force Base, MD. I submit this affidavit based upon information known to me personally from this investigation, as well as information obtained from others who have investigated this matter and/or have personal knowledge of the facts herein.

2. I am conducting an investigation involving an Assault on a Child Under 16, a violation of Article 128, UCMJ. A1C DEVIN P. KELLEY (SUBJECT 1), 49th Logistics Readiness Squadron, NM, and his dependent spouse, TESSA K. KELLY (SUBJECT 2) are subjects of this investigation.

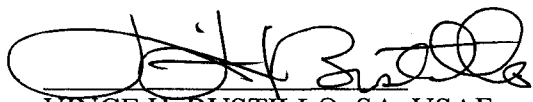
3. The following sets forth the facts and circumstances upon which this request for a search authority is based.

Background of Investigation

4. On 9 Jun 11, the Child, Youth and Family Department (CYFD), Alamogordo, NM, telephonically contacted SA James F. Hoy, AFOSI Det 225, HAFB, NM, and advised of a suspicious injury sustained by an eleven month old child, subsequently identified as J ■ M ■ L ■ (VICTIM), SUBJECT 2's son from a previous relationship. SA Vince H. Bustillo and SA James F. Hoy, AFOSI Det 225, HAFB, NM, responded to the Emergency Room of Gerald Champion Medical Center (GCMC), Alamogordo, NM, and made contact with CYFD. According to CYFD, VICTIM was presented at the Emergency Room of GCMC on 8 Jun 11, and was admitted with a history of complaints of on-going vomiting and dehydration. VICTIM was seen on two previous occasions (2 Jun 11 and 6 Jun 11) for the same complaints at William Beaumont Medical Center, Ft Bliss, TX, and Providence Medical Center in El Paso, TX. No injuries to VICTIM's face were detected during either of the examinations; however, during the most recent medical exam on 8 Jun 11, the attending physician, Dr. Jeremy Harwood, 49th Medical Group, HAFB, NM, noted suspicious injuries to VICTIM's face which included bruising on VICTIM's left cheek and ear. Dr. Harwood advised the bruising was not present on 6 Jun 11, when he examined VICTIM. Dr. Harwood opined the injury was consistent with a slap. CYFD advised neither SUBJECT 1 nor SUBJECT 2 had any explanation for the injury and allegedly noticed it for the first time when they placed the child in his car seat before transporting him to GCMC. Dr. Harwood ordered a CT scan of the child on 9 Jun 11. The results of the CT scan showed the child sustained a subdural hematoma to the left frontal skull. Dr. Harwood opined the injury could have been caused by a fall, or a

severe blow to the child's head. According to CYFD, SUBJECT 1 did not speak during her assessment questioning following the CT scan and SUBJECT 2 offered explanations stating the injury may have been caused by the child laying on SUBJECT 2's necklace or SUBJECT 2's collar bone while SUBJECT 2 was holding the child. SUBJECT 1's mother, Rebecca Anne Kelley (R. KELLEY), was also present at GCMC, visiting the child. R. KELLEY offered an explanation stating VICTIM liked to chew on the bed rail of his crib and may have fallen within his crib. Having no further plausible explanation for VICTIM's injuries, we believe it would be prudent to our investigation to examine and document the crib and immediate surrounding areas within the VICTIM's bedroom and attempt to determine if anything present would cause VICTIM's injuries.

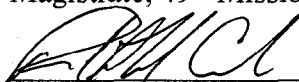
5. In view of the related facts, I believe probable cause exists to conduct a search VICTIM's crib and immediate surrounding within VICTIM's bedroom at [REDACTED] [REDACTED] for evidence of Assault (Child Abuse).



VINCE H. BUSTILLO, SA, USAF
AFOSI Detachment 225

15 Jun 11

Sworn to and subscribed to me on 9 Jun 11. (This affidavit was provided to memorialize verbal search authorization granted on 9 Jun 11, by Col ROBERT H. COLE, Military Magistrate, 49th Mission Support Group.)



ROBERT H. COLE, Col, USAF
Military Magistrate, 49th Mission Support Group

15 Jun 11

909 South Florida Ave.
Alamogordo, NM 88310
Office: (575) 434-3622
FAX: (575) 434-3530
Crisis Hotline: 1-575-437-COPE (2673)
copedv.org



1204 Macham Drive, Suite #12
Ruidoso, NM 88345
Office: (575) 258-4946
Fax: (575) 258-4949
Toll Free Crisis Hotline:
1-866-350 COPE (2673)

TO: Angie Baker
Children Youth and Families Department
2220 Indian Wells Road
Alamogordo, NM 88310

Date: April 26, 2011

Re: CASE: Devin Kelly
Docket #

- ☒ 1. Participated in pre-sentencing screening at COPE, Inc. on: April 2, 2012
☐ 2. Failed to attend his/her pre-sentencing screening on

Our Recommendations are:

- ☐ 1. Participate in the 52 week, Domestic Violence Offender Group Program.
☐ 2. Participate in brief domestic violence intervention program.
☐ 3. Be referred to anger management program.
☒ 4. Be referred to mental health facility for evaluation.
☐ 5. Be referred to substance abuse facility for evaluation.
☐ 6. Other: To participate in a total of ten domestic violence sessions.

Explanation below:

The recommendations for this client are based on the client's self report during his intake session and screening sessions. The client currently does not meet the criteria for brief domestic violence counseling. The client is recommended to seek a mental health evaluation. He presents to be well mannered and cooperative during these sessions.

Donna Lawrence, MSW
Domestic Violence Specialist

Stan Finnell, M.S., LPCC
Director of Counseling Services



COPE IS A UNITED WAY AGENCY AND A COMBINED FEDERAL CAMPAIGN AGENCY



NAME: Devin Kelly

* * SUMMARY PARAGRAPHS EXPLAINING CLIENT'S ATTAINED SCALE SCORES * *

TRUTHFULNESS SCALE: LOW RISK RANGE

RISK PERCENTILE:0

This person's response pattern on the Truthfulness Scale is in the Low Risk (zero to 39th percentile) range. This is an accurate DVI-Short Form profile and other Short Form scale scores are accurate. The Truthfulness Scale identifies self-protective, recalcitrant and guarded people who minimize or even attempt to conceal problems and self-report information. This person has adequate reading skills and was truthful. Denial and distortion are minimal. This individual responded to the Short Form test in a non-defensive, cooperative and truthful manner.

ALCOHOL SCALE: LOW RISK RANGE

RISK PERCENTILE:0

This person's response pattern on the Alcohol Scale is in the Low Risk (zero to 39th percentile) range. Few, if any, indicators of alcohol (beer, wine or liquor) abuse are indicated. Alcohol use, if present, may be historical. Alcohol abuse risk is low. RECOMMENDATIONS: With regard to alcohol abuse, the least restrictive disposition consistent with public safety is recommended and a low-intensity probationary response would be appropriate. A non-drinker may score higher than zero, but still be in the Low Risk range due to experimentation, prior alcohol-related history, etc.

CONTROL SCALE: MAXIMUM RISK RANGE

RISK PERCENTILE:98

This person's scale score is in the Severe Problem (90 to 100th percentile) risk range. Focal issues involve control of self and others. Severe problem risk scorers are often described as domineering, bullying, dictatorial and abusive. Family members may live in terror of this person's temper, anger and violence. This person's significant other may be held in bondage through intimidation and raw violence. This person's court records should be reviewed for a history or pattern of domestic violence. Counseling, anger management or psychotherapy appear warranted.

DRUGS SCALE: LOW RISK RANGE

RISK PERCENTILE:0

This person's response pattern on the Drugs Scale is in the Low Risk (zero to 39th percentile) range. Low Risk scorers reveal few, if any, significant indicators of illicit drug use or abuse. Drug use may, if present, be historical, experimental or minimal involvement. A person that does not use drugs may score higher than zero, but will still be in the Low Risk range. RECOMMENDATIONS: This person's court-related records should be reviewed and if drug-related convictions are revealed, recommendations should be upgraded accordingly. A low intensity probationary response is indicated.

VIOLENCE SCALE: MAXIMUM RISK RANGE

RISK PERCENTILE:93

This person's response pattern on the Violence Scale is in the High Risk (90 to 100th percentile) range. High risk scorers can be hostile, violent and dangerous. If this is an accurate DVI-Short Form profile, this individual should be considered dangerous. If this is an inaccurate test, then either retest or interview this person carefully. RECOMMENDATIONS: Review this person's court-related records for assaultive, violent or domestic violence convictions. Interview closely about substance (alcohol and other drugs) abuse and prior counsel-

A1C Devin Kelley
Personal Information File

<u>TITLE OF DOCUMENT</u>	<u>DATE</u>	<u>PAGES</u>
UIF Cover Page	No Date	1 page
Establishment of Security Information File	23-May-12	2 pages
Central Registry Board Incident	17-May-12	1 page
Authority to Proceed with Administrative Discharge	17-Apr-12	1 page
Request for Authority to Proceed with Administrative Discharge	29-Mar-12	3 pages
MFR for Alamogordo Municipal Court	2-May-12	1 page
Letter of Reprimand	17-Apr-12	2 pages
Response to LOR from A1C Kelley	19-Apr-12	1 page
Tessa Kelley character letter for A1C Kelley	17-Apr-12	1 page
Unfavorable Information File Action	27-Apr-12	2 pages
Rater Initial/Follow-Up Performance Feedback Notification	5-Apr-12	1 page
Memorandum for Record from 49 LRS/LGRDDC (NCOIC)	19-Mar-12	1 page
Letter of Reprimand from Capt Nugent	19-Mar-12	3 pages
Response to LOR dated 19 Mar 12	21-Mar-12	1 page
Letter of Reprimand from MSgt Bizzack	19-Mar-12	2 pages
Response to LOR dated 19 Mar 12	21-Mar-12	2 pages
Letter of Reprimand from Lt Col Marconi	20-Mar-12	2 pages
Response to LOR dated 20 Mar 12	27-Mar-12	1 page
Unfavorable Information File Action	27-Mar-12	2 pages
Individual Incident Reference Record/ Drivers Record/Incident Complaint Report w/ ROI attachment	6-Mar-12	6 pages
Receipt for Inmate or Detained Person	17-Feb-12	1 page
AF Form 1168 Tessa Kelley	17-Feb-12	3 pages
Email photo from SSgt Sablan / Left arm photo	17-Feb-12	1 page
Email photo from SSgt Sablan / eyelid photo	17-Feb-12	1 page
Photo of Tessa Kelley with baby	No Date	1 page
Photo of Tessa Kelley with baby frontal picture	No Date	1 page
Facebook page of Devin Kelley	No Date	1 page
Notice of Representation to LRS from A1C Kelley	21-Feb-12	1 page
No Contact Order	17-Feb-12	2 pages



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 49TH WING (ACC)
HOLLOMAN AIR FORCE BASE, NEW MEXICO

10 Jun 2012

MEMORANDUM FOR 49 WG/JA
49 WG/CC
IN TURN

FROM: 49 OG/CD (PCRO)
700 Delaware Ave.
Holloman AFB NM 88330

SUBJECT: Probable Cause Determination -- AIC Devin P. Kelley, 49 LRS

1. In accordance with RCM 305(i)(1), I, being a neutral and detached officer acting within 48 hours of imposition of confinement under military control, find adequate probable cause that the following offenses triable by court-martial were committed and that AIC Devin P. Kelley committed them:

<u>Article</u>	<u>Date of Offense</u>	<u>Description of Offense</u>
a. 86	8 Jun 12	Absence without leave
b. 128	9 Jun 11	Assault on a child
c. 128	23 ^{Apr} Jun 12	Aggravated assault, dangerous weapon
d. 134	23 Apr 12	Threat, communicating

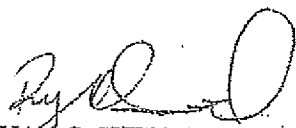
2. Second, I have reasonable grounds to believe continued pretrial confinement is necessary because it is foreseeable that the confinee will not appear at trial and/or will engage in serious criminal misconduct. Finally, I have reasonable grounds to believe less severe forms of restraint are inadequate. My decision is based on the following reasons:

- a. The evidence shows a serious escalation of behavior involving firearms and threats after the physical abuse of a child. Particularly alarming is his decision to try to obtain another firearm while undergoing inpatient mental health care, conducting research on body armor, and then escaping from the facility late at night without authorization. Additionally, his leaving for San Antonio, TX after turning in his confession and his later escape from the controlled environment demonstrate that the member is a flight risk. Taken together, these facts establish it is likely confinee will continue to engage in serious criminal misconduct and/or will not show up for trial.
- b. Lesser forms of restraint are inadequate to mitigate the flight risk he poses nor would they prevent him from carrying out the threats that he has made against others, especially given the forethought and planning that he showed by attempting to purchase another firearm and his escape from the mental health facility.

Global Power for America

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PAGE 1 OF 4 PAGES



RYAN C. SHERWOOD, Lt Col, USAF
Pretrial Confinement Review Officer

Attachment:
49 LRS/CC Memo, dtd 8 Jun 12 w/atchs